



## RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

30 June 2006

### IND101397.E

India: Treatment and status of Sri Lankan Tamils who flee to India; whether they are granted any type of status; procedures to be followed if status is revoked and/or authorities wish to remove the person from India and recourse available; whether they receive assistance or are allowed to work; whether they are monitored by authorities (1990 - 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### Situation

Official government figures released in a 2005-2006 report by the Indian Ministry of Home Affairs indicated that there were 50,750 Sri Lankan asylum seekers (India 2005-2006, 139; see also *Christian Science Monitor* 12 Apr. 2006) living in 103 camps in Tamil Nadu and one camp in Orissa, with a further 17,064 living outside camps (India 2005-2006, 139).

In 1997, a New Delhi-based journalist wrote an article for the magazine of the International Committee of the Red Cross (ICRC), *Red Cross Red Crescent*, in which she gave a detailed description of the conditions of Sri Lankan Tamil asylum seekers in Tamil Nadu, India. She indicated that, of the approximately 200,000 Tamils who fled Sri Lanka, many were living in difficult circumstances (*Red Cross Red Crescent* 1997). Some Tamil families were apparently housed in former warehouses and received stipends deemed inadequate to meet their basic needs (*ibid.*; RI 20 Jan. 2004). *Country Reports on Human Rights Practices for 2004* stated that non-governmental organisations (NGOs) had reported "refugee complaints about deteriorated housing, poor sanitation, delayed assistance payments and inadequate medical care in the Tamil refugee camps" (8 Mar. 2005, Sec. 2.d).

On 24 May 2006, news sources reported that after renewed fighting broke out in Sri Lanka, 234 Sri Lankan Tamil asylum seekers arrived in Tamil Nadu, the largest number to arrive on a single day (*Deccan Herald* 24 May 2006; *The Tribune* 24 May 2006).

#### Status

While official Indian government policy is to discourage Sri Lankan Tamils from seeking asylum in India, the government also states that asylum seekers, including Sri Lankan citizens or "stateless persons who had not applied for Indian citizenship or those not yet conferred Sri Lankan citizenship," are "granted relief on humanitarian grounds" upon arrival in India and housed in camps where they will remain until their return to Sri Lanka can be arranged (India 2005-2006, 139).

The government of India indicated that Sri Lankan asylum seekers living outside the Tamil Nadu camps have registered with the local police stations (*ibid.*).

Further information on the status of Sri Lankan Tamil asylum seekers in India could not be found among the sources consulted by the Research Directorate within time constraints.

#### Treatment

Upon arrival in India, Sri Lankan asylum seekers undergo a screening process (India 2005-2006, 139; *Deccan Herald* 24 May 2006; *The Tribune* 24 May 2006), which involves questioning and physical checks for conflict-related scars in order to ascertain whether they may have had ties to the Liberation Tigers of Tamil Eelam (LTTE) (*Indian Express* 22 Jan. 2006); following the screening, they are quarantined for approximately one month (India 2005-2006, 139).

In June 1992, following the assassination of Indian Prime Minister Rajiv Gandhi, allegedly by members of the Sri Lankan LTTE, the Tamil Nadu State government reportedly banned humanitarian organizations, including the United Nations High Commissioner for Refugees (UNHCR), from working in Sri Lankan Tamil camps for "security reasons" (RI 20 Jan. 2004; *Red Cross Red Crescent* 1997). However, some groups were permitted to work unofficially (*ibid.*). According to Refugees International (RI), the assassination also caused Indian authorities to be more suspicious of Tamil asylum seekers (RI June 2006). As a result, authorities separated the asylum camps, moving some of them inland, in an attempt to limit interaction between members of the Sri Lankan Tamil community (20 Jan. 2004).

In 2001, Human Rights Watch (HRW) reported that the Indian navy had prevented fishing boats carrying Sri Lankan asylum seekers from reaching Indian shores. This information could not be corroborated by the Research Directorate.

A 2004 report by Refugees International (RI) indicated that Sri Lankan asylum seekers living in Indian camps had limited freedom of movement and were forced to obey morning and evening curfews (20 Jan. 2004). Those who disobeyed the regulations were allegedly denied monthly stipends and/or rations (RI 20 Jan. 2004). RI added, however, that the Sri Lankan asylum seekers in India who lived outside the camps were not subjected to such restrictions (RI 20 Jan. 2004). The U.S. Committee for Refugees and Immigrants (USCRI) noted that Sri Lankans living in Tamil Nadu were free to leave the camps, with the exception of eleven suspected militants who were forced to remain in one camp (2006). *Country Reports 2004* indicated that, according to human rights groups, suspected LTTE members housed in special camps "sometimes were subjected to physical abuse and that their confinement to the camps amounted to imprisonment without trial" (28 Feb. 2005, Sec. 2.d). Further or corroborating information to this effect could not be found among the sources consulted by the Research Directorate.

### **Governmental and non-governmental assistance**

The Tamil Nadu state government and the government of India reportedly provide Sri Lankan asylum seekers with monthly stipends, rice rations, water, electricity (*Forced Migration Review* May 2004), shelter, clothing, utensils, medical care and educational assistance (India 2005-2006, 139; see also *The Statesman* 1 Feb. 2006). These goods and services are provided by the Tamil Nadu state government which is reimbursed by the Indian government (India 2005-2006, 139). Between July 1983 and December 2005, the Indian government estimated that it spent approximately 3.54 billion Indian rupees [approximately CAN\$91.7 million (Bank of Canada 30 Dec. 2005)] assisting Sri Lankan asylum seekers (India 2005-2006, 139-140).

In 1997, *Red Cross Red Crescent* reported that the Tamil State Government paid each head of family US\$5 per day, an amount described by them as "insufficient" and which reportedly forced many asylum seekers to seek jobs as casual labourers or grow their own food. However, in 2005-2006, the Indian government said that it gave each family a monthly stipend of 922 Indian rupees [approximately CAN\$26 (Bank of Canada 31 Dec. 2005)] (India 2005-2006, 139).

The Organization for Eelam Refugees Rehabilitation (OfERR), a NGO which had regular access to Sri Lankan Tamil camps in 2005 (*Country Reports 2005* 8 Mar. 2006, Sec. 2.d) reportedly funded a variety of programs to assist Sri Lankan asylum seekers in India, including, paying the salaries of 200 nursery teachers, funding agricultural research farms, income-generation projects for women, and training for men to become construction workers (*Forced Migration Review* May 2004). For an extensive list of programs supported by the OfERR in India, please consult Issue 20 of *Forced Migration Review*, available online (ibid.).

A *EuropaWorld* article indicated that, since 2002, the European Commission's Humanitarian Aid department (ECHO) had spent 24 million euros [approximately CAN\$36.6 million (Bank of Canada 3 June 2005)] on war-affected persons in Sri Lanka and Sri Lankan asylum seekers in Tamil Nadu (3 June 2005).

### **Food**

*The Statesman* reported that, in October 2005, the Indian government decided to cut the rice subsidy that had been offered to Sri Lankan Tamil asylum seekers since 1983 (1 Feb. 2006). However, in February 2006, *The Statesman* reported that the Tamil Nadu state government had not yet cut rations (1 Feb. 2006).

### **Health**

A 2003 description of the situation in Sri Lankan "refugee camps" in southern India indicated that, in one camp, the living quarters and latrines had not been repaired since their construction in 1990 (5 Jan. 2004). According to RI, the latrines had become unusable, resulting in "problems of privacy and sanitation, especially for the women" (RI 5 Jan. 2004). Poor sanitation is reported to be "a serious problem" in Sri Lankan camps in southern India (ibid.).

In January 2004, RI indicated that the children of Sri Lankan asylum seekers had access to health facilities (ibid.). *Forced Migration Review* reported that "refugee paramedics now serve fellow refugees in camps and also work in government primary health centres" (May 2004).

### **Housing**

According to RI, each camp houses more than 1,000 people in "crowded warehouses where each family lives in a 10 feet by 10 feet partitioned area" (20 Jan. 2004). In some camps, refugees reportedly live in "temporary shelters" which many feel are in urgent need of repair (RI 20 Jan. 2004; see also *Country Reports 2005* 28 Feb. 2005, Sec. 2.d).

### **Education**

According to *Red Cross Red Crescent*, following the assassination of Rajiv Gandhi, the Indian government terminated access to state schools for Sri Lankan Tamil children; however, access was later reinstated (1997). RI corroborated this information, indicating that, as of January 2004, access to educational facilities was given to children of Sri Lankan asylum seekers in India (RI 20 Jan. 2004).

While there were provisions for child education, there is a quota system for Sri Lankan asylum seekers who wish to attend Indian universities (ibid.). Starting in 1984, twenty-five seats were allotted in the field of engineering, twenty in medicine, ten in agriculture, and five in law (*The Statesman* 1 Feb. 2006). Following the 1991 assassination, the allotment was revoked, then later restored in 1996, only to be revoked again in 2002, following a decision by the Madras High Court to eliminate quotas (ibid.). Consequently, since 2002, Sri Lankan students have awaited the outcome of a three-year petition to the chief minister of Tamil Nadu to restore their right to attend Indian universities (ibid.).

### **Employment**

On 19 March 2003, the British Broadcasting Corporation (BBC) reported that Sri Lankan Tamils had difficulty finding employment in India. However, *Country Reports 2004* noted that "refugees were permitted to work" in India (8 Mar. 2005, Sec. 2.d).

### **Monitoring**

In an effort to prevent the immigration of large numbers of asylum seekers, the Indian Ministry of Home Affairs indicated in its 2005-2006 annual report that it participates in coastal patrolling and intelligence work in the state of Tamil Nadu. According to *The Hindu*, a Chennai-based daily, a reported increase in pro-LTTE activities in Tamil Nadu led Sri Lankan security forces, such as the State Police, to increase efforts to monitor and conduct searches in Sri Lankan Tamil camps (2 Jan. 2006).

### **Removal procedures**

In 1994, HRW reported that Sri Lankan Tamil asylum seekers in India were being subjected to "involuntary repatriation." However, RI stated that Sri Lankan asylum seekers leaving India had claimed that they did not feel pressured by the Indian government to leave, although they expressed concern that such pressure may eventually arise (RI 20 Jan. 2004).

In 2004, RI indicated that the United Nations High Commissioner for Refugees (UNHCR) had assisted some Sri Lankan asylum seekers who wanted to return home, but remained concerned about the security situation in Sri Lanka (ibid.). RI also noted that UNHCR-assisted Sri Lankans returning by air were only allowed to bring 20 kilograms of their possessions from India, thus preventing returnees from bringing all of the items they had collected over the years (ibid.). On 5 June 2005, the Colombo-based *Sunday Observer* reported that the UNHCR had designed a new proposal allowing returnees to bring their possessions back to Sri Lanka, although it was unclear whether they would be able to bring more than 20 kilograms of goods.

In October 2004, the government of Tamil Nadu proposed a repatriation package to assist 3,394 Sri Lankan asylum seekers who had volunteered to return home (India 2005-2006, 140). The voluntary nature of their return was reportedly overseen by the UNHCR (India 2005-2006), whose mandate is to ensure that repatriation is voluntary (UNHCR 2006, 1).

*The Hindu* reported that, since the ceasefire agreement in 2002, the International Organization for Migration (IOM) has helped to repatriate more than 3,000 Sri Lankan asylum seekers (20 Dec. 2005). The IOM's resettlement assistance package included logistical assistance and an allowance of 5,000 Indian rupees [approximately CAN\$130 (Bank of Canada 20 Dec. 2005)] per adult and 2,500 rupees [approximately CAN\$65 (ibid.)] per child (*The Hindu* 20 Dec. 2005).

In 2006, the UNHCR reported that it planned to assist in the repatriation of some 15,000 Sri Lankan Tamils, a third of whom would be returned by air on commercial flights (UNHCR 2006, 2).

### **Documentation Provided**

On 19 March 2003, the BBC reported that Tamil Nadu state police had arrested nine Sri Lankan Tamils for attempting to return to Sri Lanka without the necessary exit permits. However, as the article explained, if these persons had received exit permits, they would not have been able to return to India even if they were unable to resettle in Sri Lanka (BBC 19 Mar. 2003). On 10 May 2004, Dow Jones Newswires reported a similar incident in which 36 Sri Lankan Tamils were arrested for not having the proper documentation; instead they had paid 60,000 Indian rupees [approximately CAN\$1,860 (Bank of Canada 10 May 2004)] to Indian fishermen to smuggle them into Sri Lanka by boat (10 May 2004).

According to USCRI, the Indian government issues identity documents to Sri Lankan Tamils (2006). However, in an interview with the *Sunday Observer*, the Sri Lankan minister for refugees in foreign countries stated that most Sri Lankan asylum seekers living in southern Indian cities did not have identity documents, such as national identity cards or passports, because they had left the country during the war (8 Jan. 2006).

Information on the recourse available to Sri Lankan Tamil asylum seekers who have their status revoked or are removed from India could not be found among the sources consulted by the Research Directorate within time constraints.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

Bank of Canada. 31 December 2005. "Currency Conversion Results." <<http://www.bankofcanada.ca/en/rates/exchform.html>> [Accessed 23 June 2006]

\_\_\_\_\_. 30 December 2005. "Currency Conversion Results." <<http://www.bankofcanada.ca/en/rates/exchform.html>> [Accessed 23 June 2006]

\_\_\_\_\_. 20 December 2005. "Currency Conversion Results." <<http://www.bankofcanada.ca/en/rates/exchform.html>> [Accessed 26 June 2006]

\_\_\_\_\_. 3 June 2005. "Currency Conversion Results." <<http://www.bankofcanada.ca/en/rates/exchform.html>> [Accessed 26 June 2006]

\_\_\_\_\_. 10 May 2004. "Currency Conversion Results." <<http://www.bankofcanada.ca/en/rates/exchform.html>> [Accessed 23 June 2006]

British Broadcasting Corporation (BBC). 19 March 2003. "Sri Lankan Tamils 'Arrested in India'." <[http://news.bbc.co.uk/1/hi/world/south\\_asia/2865717.stm](http://news.bbc.co.uk/1/hi/world/south_asia/2865717.stm)> [Accessed 15 June 2006]

*Christian Science Monitor* [Boston, United States]. 12 April 2006. Anuj Chopra. "Activists Urge India to Adopt Refugee Law; Many Refugees Seek Official Recognition and Access to Services in Order to Make a Better Life for Themselves Here." (NEXIS)

*Country Reports on Human Rights Practices for 2005*. 8 March 2006. "India." <<http://www.state.gov/g/drl/rls/hrrpt/2005/61707.htm>> [Accessed 15 June 2006]

*Country Reports on Human Rights Practices for 2004*. 28 February 2005. "India." <<http://www.state.gov/g/drl/rls/hrrpt/2004/41740.htm>> [Accessed 15 June 2006]

*Deccan Herald* [Bangalore]. 24 May 2006. "Sri Lankan Refugees Pour into Tamil Nadu." <[http://www.deccanherald.com/deccanherald/May242006/national\\_1742382006523.asp](http://www.deccanherald.com/deccanherald/May242006/national_1742382006523.asp)> [Accessed 15 June 2006]

Dow Jones Newswires. 10 May 2004. "Sri Lanka Arrests 36 Tamil Refugees Returning from India." (Factiva)

*EuropaWorld* [Cowbridge, UK]. 3 June 2005. "Commission Helps Returnees in Sri Lanka and Sri Lankan Refugees in Tamil Nadu (India)." <<http://www.europaworld.org/week226/commissionhelps3605.htm>> [Accessed 15 June 2006]

*The Hindu* [Chennai, India]. 2 January 2006. V. Jayanth. "Spurt in Pro-Eelam Groups' Activities." (Factiva)

\_\_\_\_\_. 20 December 2005. V.S. Sambandan. "Back to Their Homeland with Hope." (Factiva)

*Forced Migration Review* [Oxford, UK]. May 2004. Issue 20. K.C. Saha. "Learning from Empowerment of Sri Lankan Refugees in India." <<http://www.fmreview.org/FMRpdfs/FMR20/FMR2014.pdf>> [Accessed 23 June 2006]

Human Rights Watch (HRW). 2001. "India." *World Report 2001*. <<http://www.hrw.org/wr2k1/asia/srilanka3.html>> [Accessed 15 June 2006]

\_\_\_\_\_. 1994. "India." *World Report 2004*. <<http://www.hrw.org/reports/1994/WR94/Asia-10.htm>> [Accessed 15 June 2006]

India. 2005-2006. Ministry of Home Affairs. *Annual Report 2005-2006*. <<http://mha.nic.in/Annual-Reports/ar0506-Eng.pdf>> [Accessed 26 June 2006]

*Indian Express* [Delhi]. 22 January 2006. "Fearing War, Lanka Tamils Flee to India." (Factiva)

*Red Cross, Red Crescent* [Geneva]. 1997. Vol. 3. Patralekha Chatterjee. "Tales from Tamil Refugee Camps." <[http://www.redcross.int/EN/mag/magazine1997\\_3/20-21.html](http://www.redcross.int/EN/mag/magazine1997_3/20-21.html)> [Accessed 15 June 2006]

Refugees International (RI). 20 January 2004. "Sri Lankan Refugees in India: Hesitant to Return." <<http://www.refugeesinternational.org/content/article/detail/933/>> [Accessed 15 June 2006]

\_\_\_\_\_. 5 January 2004. "Southern India 2003-Latrine at Refugee Camp for Sri Lankans." [Accessed 15 June 2005]

*The Statesman* [Kolkata, India]. 1 February 2006. Radhika Giri. "Caught in a Cleft Stick." (Factiva)

*Sunday Observer* [Colombo, Sri Lanka]. 8 January 2006. Ananda Kannangara. "Ferry Service to Transport Lankan Refugees from Tamil Nadu." (NEXIS/The Associated Newspapers of Ceylon Ltd.)

\_\_\_\_\_. 5 June 2005. Don Asoka Wijewardena. "Chance for Lankan Refugees in India." (NEXIS/The Associated Newspapers of Ceylon Ltd.)

*The Tribune* [Chandigarh, India]. 24 May 2006. Arup Chanda. "More Refugees Arrive from Sri Lanka." (NEXIS)

United Nations High Commissioner for Refugees (UNHCR). 2006. *Country Operation Plan: Overview. Country: India*. <<http://www.unhcr.org/cgi-bin/txis/vtx/home/opendoc.pdf?tbl=RSDCOI&id=4332c6232>> [Accessed 26 June 2006]

U.S. Committee for Refugees and Immigrants (USCRI). 2006. "India." *World Refugee Survey 2006*. <<http://www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1588>> [Accessed 26 June 2006]

#### Additional Sources Consulted

**Internet Sites, including:** Amnesty International (AI), Asian Centre for Human Rights (ACHR), *The Economist* [London], European Country of Origin Information Network (ECOI), Freedom House, Organization for Eelam Refugees Rehabilitation (OfERR).

**The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.**